



DOCKET NO.: ADOL-0497

PATENT

DAZ #17

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Kruse, et al.

Confirmation No.: 4357

Serial No.: 09/769,450

Group Art Unit: 1617

RECEIVED

Filing Date: January 26, 2001

Examiner: Wang, Shengjun

MAR 18 2003

For: **Kappa Agonist Compounds, Pharmaceutical Formulations and Method of Prevention and Treatment of Pruritus Therewith** OFFICE OF PETITIONS

DATE OF DEPOSIT: *3/11/03*

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID, ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, DC 20231.

TYPED NAME: David A. Cherry
REGISTRATION NO.: 35,099

Attention: Office of Petitions
Box DAC
Assistant Commissioner for Patents
Washington, DC 20231

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR § 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper reply to the Office Action mailed on July 23, 2002, which set a three (3) month period for reply. The date of abandonment is the day after the expiration date of the period set for reply in the Office Notice or Action plus any extensions of time obtained therefor.

**APPLICANT(S) HEREBY PETITIONS FOR THE REVIVAL OF THIS
APPLICATION**

Petition fee (37 CFR § 1.17m):

☒ Small Business entity - fee \$650.00

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PATENT

☒ Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.

☐ Applicant(s) by its/their undersigned attorney claims small entity status under 37 CFR § 1.27 as:

☐ an Independent Inventor

☐ a Small Business Concern

☐ a Nonprofit Organization

☐ Other than a Small Business entity - fee \$1,300.00.

Reply and/or fee:

The reply to the above-noted Office Action

☐ in the form of a Reply was previously filed on January 23, 2003.

☒ is enclosed herewith.

The Issue Fee of \$.00

☐ was previously paid on

☐ is enclosed herewith.

Terminal disclaimer with disclaimer fee:

☐ Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer and disclaimer fee (37 CFR § 1.20(d)) disclaiming a period equivalent to the period of abandonment is enclosed herewith. (See PTO/SB/63)

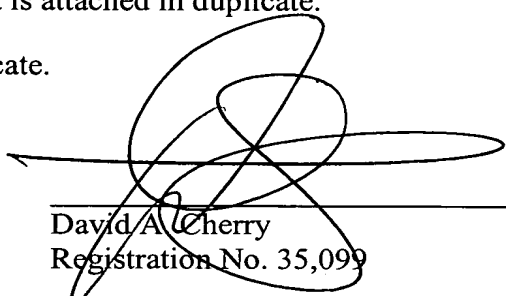
STATEMENT

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional.

Payment of fee(s):

- ☒ A check in the amount of \$1,025.00 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00. This sheet is attached in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.
- ☒ This Petition is enclosed in duplicate.

Date: 3/11/03



David A. Cherry
Registration No. 35,099

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Philadelphia PA 19103
Telephone: (215) 568-3100
Facsimile: (215) 568-3439



#18

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OFFICE OF PETITIONS

Box ☒ AF

☐ ISSUE FEE

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

1. Submission required under 37 CFR § 1.114

☒ Previously submitted

☒ Consider the amendment(s)/reply under 37 CFR § 1.116 previously filed on January 23, 2003. (Any unentered amendment(s) referred to above will be entered).

☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on

☐ Other:

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- ☐ Enclosed
- ☐ Amendment/Reply
- ☐ Affidavit(s)/Declaration(s)
- ☐ Information Disclosure Statement (IDS)
- ☐ Other:

2. Miscellaneous

☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of _____ months. (Period of suspension shall not exceed three (3) months; Fee under 37 CFR §1.17(i) required)

FEE CALCULATION:

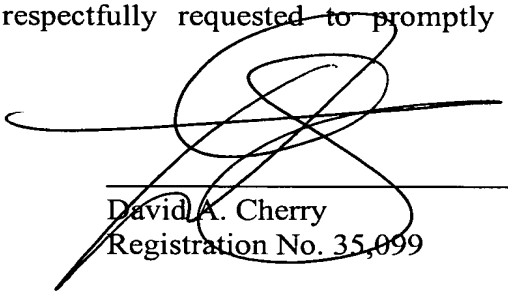
				SMALL ENTITY		NOT SMALL ENTITY	
<input checked="" type="checkbox"/> RCE BASIC FILING FEE				\$375.00	\$375.00	\$750.00	\$
	CLAIMS REMAINING AFTER RCE	HIGHEST NO. PAID FOR	EXTRA				
TOTAL CLAIMS	7	(20 MINIMUM) 33	0	\$9 EACH	\$0.00	\$18 EACH	\$
INDEP. CLAIMS	1	(3 MINIMUM) 6	0	\$42 EACH	\$0.00	\$84 EACH	\$
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$140	\$0.00	\$290	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$55	\$0.00	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$205	\$0.00	\$410	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$465	\$0.00	\$930	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$725	\$0.00	\$1450	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME (May only be taken when filing RCE in lieu of Appeal Brief)				\$985	\$0.00	\$1970	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$0.00)	minus	(\$)
<input type="checkbox"/> TERMINAL DISCLAIMER				\$55	\$0.00	\$110	\$
TOTAL FEE DUE					\$375.00		\$

- ☒ A check in the amount of **\$1,025.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge Deposit Account No. 23-3050 in the amount of \$.00 . This sheet is attached in duplicate.
- ☐ A response to the _____ dated _____ was due on _____. Petition is hereby made under 37 CFR § 1.136(a) to extend the time period for response from _____ to and through _____ comprising an extension of the shortened statutory period of _____ month(s).

- ☒ The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account No. 23-3050. This sheet is provided in duplicate.
- ☒ The Commission is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

SHOULD ANY DEFICIENCIES APPEAR with respect to this application, including deficiencies in payment of fees, missing parts of the application or otherwise, the United States Patent and Trademark Office is respectfully requested to promptly notify the undersigned.

Date: March 11, 2003



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